



PATENT
Attorney Docket No. OPTP101USB

Handwritten initials: JFW, AF, and a signature.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Davies et al.

Art Unit: 2162

Application No. 09/998,613

Examiner: Alam, Shahid Al

Filed: November 30, 2001

For: VIRTUAL PRIVATE SUPPLY CHAIN

**TRANSMITTAL OF
APPELLANTS' APPEAL BRIEF**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with 37 CFR 41.37, appellant hereby submits Appellant's Brief on Appeal in triplicate.

The items checked below are appropriate:

1. Status of Appellant

This application is on behalf of ☐ other than a small entity or ☒ a small entity.

The verified statement ☐ is attached or ☐ was filed on .

2. Fee for Filing Brief on Appeal

Pursuant to 37 CFR 1.17(e), the fee for filing the Brief on Appeal is for: ☐ other than a small entity or ☒ a small entity.

Brief Fee Due \$250.00

3. Oral Hearing

☐ Appellants request an oral hearing in accordance with 37 CFR 1.194.

4. Extension of Time

☐ Appellants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is \$110.00

☒ Appellants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that appellants have inadvertently overlooked the need for a petition and fee for extension of time.

In re Appln. of Davies et al.
Application No. 09/998,613

Extension fee due with this request: \$

5. Total Fee Due

The total fee due is:

Brief on Appeal Fee	\$250.00
Request for Oral Hearing	\$ 0.00
Extension Fee (if any)	\$ 0.00

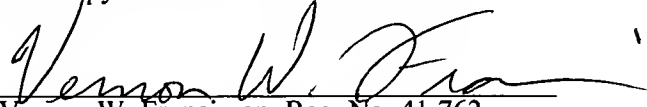
Total Fee Due: \$250.00

6. Fee Payment

- ☒ Attached is a check in the sum of \$250.00.
☐ Charge Account No. 503594 the sum of \$. A duplicate of this transmittal is attached.

7. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 503594. A duplicate copy of this transmittal is attached.

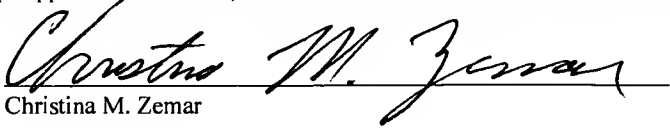

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CERTIFICATE OF MAILING

I hereby certify that this document (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: July 13, 2006


Christina M. Zemar



PATENT
Attorney Docket No. OPTP101USB

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APPELLANTS' APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In support of the appeal from the final rejection dated February 24, 2006,
Appellants now submit their Brief.

Real Party In Interest

The patent application that is the subject of this appeal is assigned to OPTUM, INC.,
which has been acquired by CLICK COMMERCE, INC.

Related Appeals and Interferences

There are no appeals or interferences that are related to this appeal.

Status of Claims

Claims 15-34 and 37 are pending in this application. Claims 15, 31, 32, 33, and 37 are
in independent form.

- | | |
|----------------------|--------------|
| 1. Claims at filing: | 1-37. |
| 2. Claims pending: | 15-34 and 37 |
| 3. Claims rejected: | 15-34 and 37 |
| 4. Claims allowed: | None. |

Status of Amendments

All amendments filed in the application have been entered as understood by the Appellant.

Summary of Invention

The present invention provides for a virtual private supply chain and viewing supply chain data using, for example, a generic Internet based viewing engine. Furthermore, the present invention facilitates achieving supply chain transparency, which enables enterprises to securely share order and inventory information among trading partners.

A virtual private supply chain (VPSC) is provided to facilitate collaborative, real-time exchange of supply chain data between multiple enterprises, which in turn facilitates reducing complexity and/or delays in a supply chain processing. A VPSC is a conduit through which supply chain data can flow in a timely, secure, consistent manner. Rather than a supply chain member having to maintain possibly distinct protocols, paperwork and records for communication with other members of a supply chain, by depositing selected data into a central supply chain data store, a supply chain member can maintain one protocol for communication with the central data store, thereby reducing complexity and/or delays in supply chain processing. The data to be deposited into the central data store may include purchase order information, sales order information, warehouse order information, shipment information and inventory information. As inventory moves across a multi-enterprise supply chain, the present invention facilitates enterprises viewing relevant information concerning the deposited item and the inventory to which viewing relevant information concerning the deposited items and the inventory to which they relate, regardless of the source of information. Specification, page 12, lines 5-20.

Supply chain data store

Figure 4 illustrates a system 400 for providing a virtual private supply chain, which includes a common supply chain data store 430 into which one or more supply chain members 420_1 through 420_N deposit supply chain information (e.g. inventory positions, production capacity, purchase orders, sales orders, warehouse orders, etc.). Data may be extracted (e.g. pushed, pulled) from the supply chain members to the common supply chain data store 430 and thus the common supply chain data store 430 and/or related processes do not need to reach through security measure (e.g. firewalls) associated with supply chain

member data stores. The extraction may occur at time including, but not limited to, on a periodic basis, on a manual trigger and on a data update trigger. The common supply chain data store 430 and/or associated processes can transform the supply chain data, which may be in inconsistent formats, to one or more common formats based on one or more common schema. Furthermore, the common supply chain data store 430 and/or associated processes can validate the supply chain data before loading it into the common supply chain data store 430. Further still, the common supply chain data store 430 and/or associated processes can determine relationships between supply chain member data and control access to such related data. Specification page 10, lines 8-29. A supply chain data store that stores supply chain data in one or more common schemas and which also stores metadata (data about data) is further described at various points in the specification (e.g. data store 430 of Figure 4, page 10 at line 8, data store 650 of Figure 6, page 13 at lines 26-31, step 1760 of Figure 17, page 31 at lines 22-23, step 1840 of Figure 18, page 32 at lines 15-22).

Data acceptor

Figure 6 illustrates an architecture 600 that may be employed in a VPSC that includes a hub with a central VPSC application 640. The hub 640 receives transmissions from supply chain members 610, 620 and 630, decodes the transmissions and deposits data in the data store 650. Thus, hub and central VPSC application 640 is one example of a data acceptor (step 1720 of Figure 17, page 31 at lines 4-8, step 1810 of Figure 18, page 32 at lines 8-10) that receives one or more supply chain data items from one or more supply chain members for storage in the data store.

Data accessor

Figure 1 illustrates a system 100 that includes a data store 110 where data 112 and metadata 114 associated with the data 112 are stored. System 100 also includes a generic Internet based display engine 120 that facilitates providing a metadata driven display 130 that displays data pursuant to metadata concerning what data should be displayed and how that data should be displayed. Figure 11 shows an example of a layout 1100 for a user interface provided by engine 120. See specification at pages 7-8 and pages 20-29. See also step 1780 of Figure 17, page 31, step 1860 of Figure 18, and page 32. Thus, engine 120 provides one example of a data accessor that selectively presents one or more supply chain data items stored in the supply chain data store to one or more viewing supply chain members.

Relationships component

In the example of Figure 1, the data 112 is supply chain data and the metadata 114 includes metadata concerning query criteria, view heading, additional information links, view results, personalization parameters, display content display layout and display format.

For example, the common supply chain data store 430 of Figure 4 and/or associated processes can determine relationships between supply chain member data and control access to such related data. For example, a purchase order from a first supply chain member may be related to inventory position information from a second supply chain member and a sales order from the second supply chain member. Thus, in addition to the first supply chain member being able to view their own data stored in the common supply chain data store 430, the first supply chain member may be able to view related data (e.g. inventory position, sales order, shipping information) given proper access permissions. Specification page 10 at lines 18-25.

Further, the VPSC application of hub 640 of Figure 6 may establish ownership identifiers for received data items, establish access permissions for the received data items and establish relationships between received data items. Specification page 13 at lines 26-31. See also step 1770 of Figure 17, page 31, lines 24-28, step 1860 of Figure 18, page 32, lines 23-29.

Thus, common supply chain data store 430 of Figure 4 and/or associated processes as well as the VPSC application of hub 640 of Figure 6 provides examples of a component that establishes one or more relationships within the supply chain data store between a first supply chain data item originating from a first supply chain member and one or more second supply chain items originating from one or more second supply chain members.

Issues

In the Final Office Action dated February 24, 2006, claims 15-34 and 37 stand rejected.

1. Claims 15-34 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,119,149 issued to Ranjit Notani (hereinafter "Notani").

Grouping of Claims

Claims 15-34 and 37 stand or fall together.

Arguments

Rejections of Claims 15, 17-34 and 37 Under 35 U.S.C. 102(e)

Claims 15, 17-34 and 37 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ranjit Notani (U.S. Patent Number 6,119,149). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Notani does not teach or suggest each and every limitation of applicants' claimed invention.

For a prior art reference to anticipate, 35 U.S.C. 102 requires that "each and every element as set forth in the claim is found, either expressively or inherently described, in a single prior art reference." In *re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject invention relates to providing a framework for exchanging data in various formats between trading partners in a supply chain, storing the data with data relationships clearly identified, and making the data visible in a consistent manner across the supply chain. For instance, data from three trading partners in a supply chain can be stored in a data store and relationships between their data can be established. See Figure 6. A purchase order from the first trading partner can be related to a shipping confirmation from the second partner and a receipt confirmation from the third partner. By entering the purchase order number, shipping number, or receipt number, any of the three trading partners can view the data relating to this series of transactions. In particular, as recited in amended independent claim 15 (and similarly recited in independent claims 31-33, and 37), Appellants' claimed invention *can establish one or more relationships within the supply chain data store between a first supply chain data item originating from a first supply chain member and one or more second supply chain data items originating from one or more second supply chain members.*

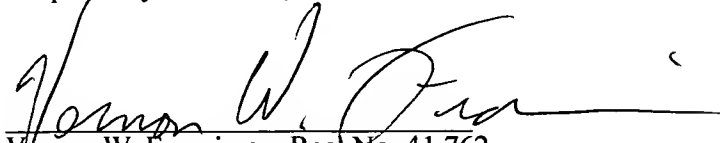
Notani does not teach or suggest the aforementioned novel aspects of applicants' invention as recited in the subject claims. Notani teaches workflows that are used to manipulate data as it is transmitted between two trading partners. These workflows are code that are contained and run within a Global Collaboration Manager, which is outside of the data store. Notani is silent regarding establishing one or more relationships within the supply chain data store between a first supply chain data item originating from a first supply chain member and one or more second supply chain data items originating from one or more second supply chain members. The Examiner asserts in the Office Action that a hub and spoke architecture facilitates establishing relationships of data items and therefore anticipates the novel features of the subject claims. However, a hub and spoke architecture merely

facilitates exchange of data between hubs and spokes. It does establish relationships between data items within a data store. Furthermore, it is not inherent that a system that establishes relationships between data items in a data store would establish a relationship between a first supply chain data item originating from a first supply chain member and one or more second supply chain data items originating from one or more second supply chain members. This relationship must be explicitly established.

Furthermore, claim 17 recites *an ownership identifier is established within the supply chain data store for one or more supply chain data items*. Applicants' claimed invention allows for a data item or a group of data items in the data store to be identified as belonging to an entity, such as a company. This allows for multiple entities to each have ownership to a portion of the data items within the data store. Contrary to assertions in the Office Action, verifying that a partner is how it claims to be, plus the ability to collect data grouped by partnership does not establish ownership of data. Public key encryption verifies access rights and authentication, meaning that the party trying to access the data has privilege to access the data and the party is who they claim to be. Access rights are not analogous to ownership rights. An owner has the ability to grant access rights, however, a user with only access privilege does not have the right. Moreover, public key encryption is implemented at the communication layer, and not in the data store. Furthermore, grouping of data is not the same as establishing ownership. A system can group data provided by a first entity and establish ownership of that data to a second entity. The ownership identifier must be explicitly established. Therefore, Notani fails to teach or suggest an ownership identifier is established within the supply chain data store for one or more supply chain data items.

Accordingly, Appellants respectfully submit that Notani fails to teach or suggest all limitations of Appellants' invention as recited in independent claims 15, 31-33, and 37 (and all claims that depend therefrom), and thus fails to anticipate the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn.

Respectfully submitted,



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Date: July 13, 2006



In re Appln. of Davies et al.
Application No. 09/998,613

APPENDIX A

PENDING CLAIMS 1-37

Claim 1 (Withdrawn): A system for viewing data, the system comprising:
an Internet base data viewing engine; and
a data store, where the data stores at least:
viewable data; and
metadata associated with the viewable data, the metadata employable by the
Internet based data viewing engine to control, at least in part, the presentation of the viewable
data.

Claim 2 (Withdrawn): The system of claim 1 where the metadata can be employed to select
one or more items of viewable data to be displayed by the data viewing engine.

Claim 3 (Withdrawn): The system of claim 2 where the metadata can be employed by the
Internet based data viewing engine to dynamically control at least one of the layout and
format of the one or more items of viewable data selected to be displayed by the Internet
based data viewing engine.

Claim 4 (Withdrawn): The system of claim 3 where the viewable data is supply chain data.

Claim 5 (Withdrawn): The system of claim 4 where the metadata is supply chain data
metadata.

Claim 6 (Withdrawn): The system of claim 5 where the supply chain metadata stores
information concerning at least one of view heading information, query criteria information,
view result information, additional information link information, personalization information,
display parameters, and content parameters.

Claim 7 (Withdrawn): The system of claim 5 comprising a user interface that displays at least
one of view headings, query results, view results, additional information links and error
messages.

Claim 8 (Withdrawn): The system of claim 7 where the view results are selectively based on
dynamically created SQL statements constructed from column names in the view headings.

Claim 9 (Withdrawn): The system of claim 8 where the additional information links are based, at least in part, on a dynamic determination of the presence of related data in one or more interfaces associated with one or more rows returned in the view results.

Claim 10 (Withdrawn): A method for viewing supply chain data, the method comprising:
extracting supply chain data from one or more supply chain members;
transforming the extracted supply chain data to one or more common formats;
validating the transformed supply chain data;
storing the validated supply chain data in a supply chain data store;
storing metadata associated with the validated supply chain data in the supply chain data store; and
selectively displaying the supply chain data according to at least selection, layout and format information in the metadata.

Claim 11 (Withdrawn): The method of claim 10 where the supply chain data can be extracted from the one or more supply chain members by at least one of pushing data from the one or more supply chain members, pulling data from the one or more supply chain members, a full extraction of supply chain data, a partial extraction of supply chain data, a periodic extraction of supply chain data, a response to a manual trigger, and a response to a data update trigger.

Claim 12 (Withdrawn): A computer readable medium storing computer executable instructions operable to perform the method of claim 11.

Claim 13 (Withdrawn): A data packet adapted to be transmitted between two or more computer processes, the data packet comprising :
a first field adapted to store supply chain data, and
a second field adapted to store metadata associated with the supply chain data in the first field, where the metadata can be employed to control, at least in part, the content, format, and layout of the supply chain data stored in the first field when displayed by a generic Internet based supply chain data viewer.

Claim 14 (Withdrawn): A computer readable medium, storing computer executable components of a system for viewing supply chain data, the system comprising:
an Internet based data viewing component; and
a supply chain data storing component adapted to facilitate storing at least:
viewable supply chain data: and

supply chain metadata associated with the viewable supply chain data, the supply chain metadata employable by the Internet based data viewing component to control, at least in part, the presentation of the viewable supply chain data.

Claim 15 (Previously presented): A virtual private supply chain, comprising:

- a data acceptor operable to receive one or more supply chain data items from one or more supply chain members;

- a supply chain data store operable to store one or more supply chain data items received from one or more supply chain members;

- a data accessor operable to selectively present one or more supply chain data items stored in the supply chain data store to one or more viewing supply chain members; and

- a component that establishes one or more relationships within the supply chain data store between a first supply chain data item originating from a first supply chain member and one or more second supply chain items originating from one or more second supply chain members.

Claim 16 (Withdrawn): The virtual private supply chain of claim 15 where the supply chain data store is further adapted to facilitate establishing one or more relationships between a first supply chain data item originating from a first supply chain member and one or more second supply chain data items originating from one or more second supply chain members.

Claim 17 (Previously presented): The virtual private supply chain of claim 15 where an ownership identifier is established within the supply chain data store for one or more supply chain data items.

Claim 18 (Original): The virtual private supply chain of claim 17 where the supply chain data store is further adapted to facilitate establishing one or more access rights to supply chain data items.

Claim 19 (Original): The virtual private supply chain of claim 18 where the data acceptor is further adapted to transform the received supply chain data to conform with one or more supply chain schema.

Claim 20 (Original): The virtual private supply chain of claim 19 where the data acceptor is further adapted to validate the transformed supply chain data.

Claim 21 (Original): The virtual private supply chain of claim 20 where the data acceptor is further adapted to load the validated supply chain data into the supply chain data store.

Claim 22 (Original): The virtual private supply chain of claim 21 where the data accessor implements row-level supply chain security.

Claim 23 (Original): The virtual private supply chain of claim 22 where the row-level supply chain security employs at least one of secure socket layers (SSL), digital certificates and encryption.

Claim 24 (Original): The virtual private supply chain of claim 15 where the one or more supply chain members are configured in a hub and spoke configuration, with the supply chain members located at spokes and at least one of the data acceptor, the data accessor and the supply chain data store located at the hub.

Claim 25 (Original): The virtual private supply chain of claim 24 where at least one supply chain member implements a connection stream.

Claim 26 (Original): The virtual private supply chain of claim 25 where the connection stream is adapted to facilitate making communications between the hub and the spoke implementing the connection appear as a stream.

Claim 27 (Original): The virtual private supply chain of claim 26 where the connection stream is further adapted to facilitate sending, receiving and/or validating BIO's.

Claim 28 (Original): The virtual supply chain of claim 27 where the connection stream is further adapted to facilitate selecting an encryption level to be applied to data communicated between the hub and the spoke implementing the connection stream.

Claim 29 (Original): The virtual private supply chain of claim 24 where one or more supply chain data items may be persisted at one or more spokes.

Claim 30 (Original): The virtual private supply chain of claim 29 where the persisted items are stored as BLOBS (Binary Large Objects).

Claim 31 (Previously presented): A computer readable medium storing computer executable components of a virtual private supply chain comprising:

a data accepting component operable to receive one or more supply chain data items from one or more supply chain members;

a supply chain data storing component operable to facilitate storing of one or more supply chain data items received from one or more supply chain members;

a data accessing component operable to selectively present one or more supply chain data items stored by the supply chain data storing component to one or more viewing supply chain members; and

a supply chain data storing component operable to establish one or more relationships within the supply chain data store between a first supply chain data item originating from a first supply chain member and one or more second supply chain data items originating from one or more second supply chain members.

Claim 32 (Previously presented): A computer implemented method for providing a virtual private supply chain between two or more supply chain members, the method comprising the following computer executable acts:

centralizing supply chain data from a plurality of supply chain members;

conforming the supply chain data to one or more common schema;

selectively permitting access to the conformed supply chain data based on row-level security applied to the conformed supply chain data; and

establishing one or more relationships within the supply chain data store between a first supply chain data item originating from a first supply chain member and one or more second supply chain data items originating from one or more second supply chain members.

Claim 33 (Previously presented): A computer implemented method for providing a virtual private supply chain between two or more supply chain members, the method comprising the following computer executable acts:

accepting one or one or more supply chain data items from one or more supply chain members;

establishing one or more ownership identifiers for the supply chain data items;

establishing one or more access permissions for the supply chain data items;

transforming the supply chain data items to conform with one or more supply chain schema;

validating the transformed supply chain data items;

storing the validated supply chain data items in a supply chain data store;

establishing one or more relationships within the supply chain data store between supply chain data items received from two or more supply chain members; and

selectively permitting access to one or more supply chain data items based on at least one of the ownership of the supply chain data item, the one or more relationships associated with the supply chain data items, and the one or more access permissions associated with the supply chain data items.

Claim 34 (Original): A computer readable medium storing computer executable instructions operable to perform the method of claim 33.

Claim 35 (Withdrawn): A data packet adapted to be transmitted between two or more computer processes, the data packet comprising:

- a first field adapted to store a supply chain data item; and
- a second field adapted to store one or more access permissions associated with the supply chain data item.

Claim 36 (Withdrawn): A data packet adapted to be transmitted between two or more computer processes, the data packet comprising:

- a first field adapted to store a supply chain data item; and
- a second field adapted to store information concerning one or more relationships with one or more other supply chain data items in which the supply chain data item is involved.

Claim 37 (Previously presented): A computer implemented method for providing a virtual private supply chain between two or more supply chain members, the method comprising the following computer executable acts:

- means for collecting supply chain data from a plurality of supply chain members;
- means for standardizing the collected supply chain data to one or more supply chain schema;
- means for securely accessing the collected supply chain data; and
- means for establishing within a supply chain data store one or more relationships between a first supply chain data item originating from a first supply chain member and one or more second supply chain data items originating from one or more second supply chain members.